

IN THE SENATE OF THE UNITED STATES.

DECEMBER 19, 1860.—Ordered to be printed.

Mr. DAVIS made the following *adverse*

REPORT.

(To accompany bill H. R. 527.)

*The Committee on Military Affairs and the Militia, to whom was referred bill H. R. 527, having had the same under consideration, report:*

This bill passed the House of Representatives on the 26th of May, 1860, and it is now before the Senate for concurrence. The House report is as follows:

“That during the war with Mexico, in 1847, Julius Martin supplied the California battalion of volunteers with horses, harness, tools, and lumber, to the amount of four hundred and twenty-eight dollars, and has not been paid. The accounts are certified by Quartermaster Jacob R. Snyder and Major P. B. Readings, and are approved by Lieutenant Colonel John C. Frémont, who was in command of the battalion. This claim was presented at the Treasury Department, but was not paid, for the reason that the appropriation made for this class of cases had been exhausted. The Committee on Military Affairs, in the last Congress, reported in favor of the claim.

“Your committee herewith report a bill for the payment of the amount due the claimant.”

It will be seen that the House committee were in error in stating in their report that “this claim was not paid at the Treasury because the appropriation made for this class of claims had been exhausted,” as the letter of the Third Auditor, of the 15th October, 1857, says: “No such claim can be acted upon by the accounting officers without further legislation, as the board of Army officers, to which such cases were, several years since, referred by Congress for examination, has ceased to exist, and the appropriation made for the payment of such claims, as were recommended by said board for allowance, has been exhausted.”

For reasons unknown to this committee, this claim does not appear to have been presented to the Army board for examination during its session of nearly three years; and no appropriation was made by Congress for these claims except upon the specific recommendation. The board rejected and suspended many of the claims presented to them, and greatly reduced the amount of those they allowed—in one in-

stance from \$10,000 to \$50; and it is obvious from the tariff of prices established by them, they would have materially lessened the amount of this claim if it had been presented to them, if they would not have rejected it.

The committee report the bill back to the Senate, with a recommendation that it do not pass.